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10/662,656

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EXAMINER

TRAN, ELLEN C

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/662,656	Applicant(s) BARCHI ET AL.	
	Examiner ELLEN TRAN	Art Unit 2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This action is responsive to communication filed on: 14 October 2008 with acknowledgement of an original application filed on 21 July 2000.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 October 2008 has been entered.
3. Claims 2-13 are currently pending in this application. Claims 2, 7, and 9 are independent claims.

Response to Arguments

4. Applicant's arguments filed 14 October 2008 have been fully considered however they are not persuasive.
 - I) In response to applicant's arguments on page 5, "*With respect to claim 2, 7, and 9, Du does not disclose the present invention as recited in the pending claims. For example, Du does not disclose a device that, for example, allows authenticating a subscriber for access to a requested service based upon receiving a code from a terminal device, the code indicating that a unique username and password will not be provided by the terminal device*"

The Examiner disagrees with argument for multiple reasons. As indicated by '152 "The user uses the computer in his usual fashion. For example, when the user is in his network browser, the invention allows him to enter networks and Web sites that require a login procedure and, using the user's passwords stored on the smart card 1002, automatically login to the site".

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This is the same meaning the device, i.e. smartcard provides the access credentials needed without the user or terminal entering the password. Two Barriga-Caceres and Du were combined to teach authenticating a subscriber to a service. The motivation to combine as stated in the Office Action is to improve access to services.

II) In response to applicant's argument on page 6, *"With respect to claims 3-6, 8, and 10-13, these claims depend from one of claims 2, 7, or 9 respectively. Since neither Du nor Barriga-Caceres discloses all of the limitations of claims 2, 7, or 9,"*

The Examiner disagrees as indicated above the limitations of the independent claims were taught in Du and Barriga-Caceres; therefore the dependent claims are rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 2-13**, are rejected under 35 U.S.C. 102(e) as being anticipated by de Gregorio et al. U.S. Patent Application Publication No. 2007/0127495 (hereinafter '495).

As to independent claim 2, "A device comprising: a processor; and logic which, when applied to the processor in response to receiving a service request, results in locating a

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subscriber identifier corresponding to an IP address; locating subscriber information corresponding to the identifier; and” is taught in ‘495 paragraph 24;

“authenticating a subscriber for access to a requested service based upon receiving a code from a terminal device the code indicating that a unique username and password will not be provided by the terminal device” is shown in ‘495 paragraphs 2 and 37-39.

As to dependent claim 3, **“further comprising: logic which, when applied to the processor, results in communication of the code and IP address to a service provider”** is disclosed in ‘495 paragraph 38.

As to dependent claim 4, **“further comprising: logic which, when applied to the processor, results in forming an account name from the identifier”** is taught in ‘495 paragraphs 18-20.

As to dependent claim 5, **“wherein the identifier is an MSISDN”** is shown in ‘090 paragraphs 59-60.

As to dependent claim 6, **“further comprising: logic which, when applied to the processor, results in querying a RADIUS server to locate the subscriber identifier corresponding to the IP address”** is disclosed in ‘495 paragraphs 65-70.

As to independent claim 7, **“A terminal device comprising: a processor; and logic which, when applied to the processor, results in communicating to a network, in lieu of a user name and password, a code to cause the network to authenticate”** is taught in ‘090 paragraphs 2 and 37-39;

“and authorize access to a service the authentication and authorization based upon an IP address assigned to the terminal device by the network and upon a unique identifier

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provided by the terminal device to the network during an earlier attach process is shown in ‘495 paragraph 24.

As to dependent claim 8, “further comprising: client logic associated with a service provider, which, when applied to the processor to access the service provider, results in communicating the code and IP address to the network in lieu of communicating a user name and password” is disclosed in ‘495 paragraph 24.

As to independent claim 9, “A method comprising: receiving a authentication information from a terminal device during an initial sign-on; authenticating the terminal device” is taught in ‘495 paragraph 24;

“receiving a code from the terminal device that indicates that a user name and password will not be provided by the terminal device” is shown in ‘090 paragraphs 2 and 37-39;

“locating a subscriber identifier corresponding to an IP address of the terminal device; locating subscriber information corresponding to the identifier; and authorizing the terminal device to access a requested service based on the code and the authentication information” is disclosed in ‘495 paragraph 24.

As to dependent claim 10, “further comprising: communicating the code and IP address to at least one service provider to obtain authorization for the services of the at least one service provider” is taught in ‘494 paragraphs 23-25.

As to dependent claim 11, “further comprising: forming from the identifier an account name for the subscriber” is shown in ‘495 paragraphs 18-20.

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As to dependent claim 12, “wherein the identifier is an MSISDN” is disclosed in ‘090 paragraphs 59-60.

As to dependent claim 13, “further comprising: querying a RADIUS server to locate the MSISDN corresponding to the IP address” is disclosed in ‘495 paragraphs 65-70.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2-13**, are rejected under 35 U.S.C. 103(a) as being unpatentable Du et al. U.S. Patent No. 6,981,152 (hereinafter ‘152) in view of Barriga-Caceres et al. US Patent No. 7,221,935 (hereinafter ‘935).

As to independent claim 2, “A device comprising: a processor; and logic which, when applied to the processor in response to receiving a service request, results in locating a subscriber identifier corresponding to an IP address; locating subscriber information corresponding to the identifier” is taught in ‘152 col. 9, lines 13-42;

“the code indicating that a unique username and password will not be provided by the terminal device” is shown in ‘152 col. 9, lines 24-35;

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the following is not taught in '152: **“authenticating a subscriber for access to a requested service based upon receiving a code from a terminal device”** however '935 teaches providing access to a service in col. 6, lines 43-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of '152 a method of utilizing a smartcard to access web sites that allows card's ID to include a means where the access is to a 'service'. One in the art would have been motivated to perform such a modification because it would allow mobile users to access services easily and improve mobile commerce (see '935 col. 2, lines 23 et seq.) “More specifically, the users have the advantage of the SSO service for accessing any service at any Service Provider (SP) within the reference model agreement. The Mobile Network Operators (MNO) may obtain revenues by offering SSO services, in particular authentication and authorization, to third parties as well as keeping subscribers loyalty by adding value to their respective mobile subscriptions. Eventually, the Service Providers may experience an increase of potential users, namely mobile subscribers, with a simpler and much safer authentication and authorization mechanisms minimizing the support for different such mechanisms depending on the different nature of users. In this scenario Authentication Provider and Service Provider belong to different administrative domains. At the same time, these distributed advantages favor an increase of a so-called mobile commerce (m-commerce), which can be regarded as a further object of the present invention”.

As to dependent claim 3, “further comprising: logic which, when applied to the processor, results in communication of the code and IP address to a service provider” is disclosed in '152 col. 9, lines 30-40.

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As to dependent claim 4, “further comprising: logic which, when applied to the processor, results in forming an account name from the identifier” is taught in ‘152 col. 9, lines 30-40.

As to dependent claim 5, “wherein the identifier is an MSISDN” however ‘935 teaches the identifier can be an MSISDN in col. 14, lines 39-64.

As to dependent claim 6, “further comprising: logic which, when applied to the processor, results in querying a RADIUS server to locate the subscriber identifier corresponding to the IP address” however ‘935 teaches the use of a RADIUS server in col. 14, lines 39-64.

As to independent claim 7, “A terminal device comprising: a processor; and logic which, when applied to the processor, results in communicating to a network, in lieu of a user name and password, a code to cause the network to authenticate” is taught in ‘152 col. 9, lines 13-42;

“and upon a unique identifier provided by the terminal device to the network during an earlier attach process” is shown in ‘152 col. 4, lines 1-37;
the following is not taught in ‘152: **“and authorize access to a service the authentication and authorization based upon an IP address assigned to the terminal device by the network”**
however ‘935 teaches providing access to a service in col. 6, lines 43-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of ‘152 a method of utilizing a smartcard to access web sites that allows card’s ID to include a means where the access is to a ‘service’. One in the art would have been motivated to perform such a modification because it would allow mobile users to access services

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easily and improve mobile commerce (see '935 col. 2, lines 23 et seq.) "More specifically, the users have the advantage of the SSO service for accessing any service at any Service Provider (SP) within the reference model agreement. The Mobile Network Operators (MNO) may obtain revenues by offering SSO services, in particular authentication and authorization, to third parties as well as keeping subscribers loyalty by adding value to their respective mobile subscriptions. Eventually, the Service Providers may experience an increase of potential users, namely mobile subscribers, with a simpler and much safer authentication and authorization mechanisms minimizing the support for different such mechanisms depending on the different nature of users. In this scenario Authentication Provider and Service Provider belong to different administrative domains. At the same time, these distributed advantages favor an increase of a so-called mobile commerce (m-commerce), which can be regarded as a further object of the present invention".

As to dependent claim 8, "further comprising: client logic associated with a service provider, which, when applied to the processor to access the service provider, results in communicating the code and IP address to the network in lieu of communicating a user name and password" is shown in '152 col. 9, lines 24-35.

As to independent claim 9, "A method comprising: receiving a code from a terminal device that indicates that a user name and password" is taught in '152 col. 4, lines 1-37;

"locating a subscriber identifier corresponding to an IP address of the terminal device; locating subscriber information corresponding to the identifier" is shown in '152 col. 9, lines 13-42;

the following is not taught in '152: **"and determining whether a subscriber has access to a requested service"** however '935 teaches providing access to a service in col. 6, lines 43-67.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of '152 a method of utilizing a smartcard to access web sites that allows card's ID to include a means where the access is to a 'service'. One in the art would have been motivated to perform such a modification because it would allow mobile users to access services easily and improve mobile commerce (see '935 col. 2, lines 23 et seq.) "More specifically, the users have the advantage of the SSO service for accessing any service at any Service Provider (SP) within the reference model agreement. The Mobile Network Operators (MNO) may obtain revenues by offering SSO services, in particular authentication and authorization, to third parties as well as keeping subscribers loyalty by adding value to their respective mobile subscriptions. Eventually, the Service Providers may experience an increase of potential users, namely mobile subscribers, with a simpler and much safer authentication and authorization mechanisms minimizing the support for different such mechanisms depending on the different nature of users. In this scenario Authentication Provider and Service Provider belong to different administrative domains. At the same time, these distributed advantages favor an increase of a so-called mobile commerce (m-commerce), which can be regarded as a further object of the present invention".

As to dependent claim 10, "further comprising: communicating the code and IP address to at least one service provider to obtain authorization for the services of the at least one service provider" however '935 teaches providing access to a service in col. 6, lines 43-67.

As to dependent claim 11, "further comprising: forming from the identifier an account name for the subscriber" is taught in '152 col. 9, lines 30-40.

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As to dependent claim 12, “wherein the identifier is an MSISDN” however ‘935 teaches the identifier can be an MSISDN in col. 14, lines 39-64.

As to dependent claim 13, “further comprising: querying a RADIUS server to locate the MSISDN corresponding to the IP address” however ‘935 teaches the use of a RADIUS server in col. 14, lines 39-64.

Conclusion

9. It is noted, PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN “The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain.” In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments (see MPEP 2123).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ELLEN TRAN/
Primary Examiner, Art Unit 2434
6 November 2008